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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 601.

27 Maart 1975.

No. 601.

27 March 1975.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 15 van 1975: Polisiewysigingswet, 1975.

No. 15 of 1975: Police Amendment Act, 1975.

Act No. 15, 1975

POLICE AMENDMENT ACT, 1975.

ACT

To amend the Police Act, 1958, so as to provide for the inclusion in the Police Reserve of certain former members of the South African Police and persons liable to serve under the Defence Act, 1957; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 19 March 1975.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Substitution of section 34A of Act 7 of 1958, as inserted by section 21 of Act 64 of 1964 and substituted by section 6 of Act 94 of 1972.

1. The following section is hereby substituted for section 34A of the Police Act, 1958:

"Police Reserve.

34A. (1) There is hereby established a Police Reserve consisting of—

- (a) every person who has served in the Force in a permanent capacity for a period of not less than six months and who, before or after the commencement of the Police Amendment Act, 1972 (Act No. 94 of 1972), but before the commencement of the Police Amendment Act, 1975, terminated his service, was discharged or dismissed from the Force or was retired on pension;
- (b) every person who has served in the Force in a permanent capacity for a period of not less than twelve months and who, after the commencement of the Police Amendment Act, 1975, terminates his service, is discharged or dismissed from the Force or is retired on pension; and
- (c) every person who is in terms of the Defence Act, 1957 (Act No. 44 of 1957), allotted to the Force for training and service, as well as any such person who has completed the service referred to in subsections (10) and (11) or (10) and (12).

(2) Every member of the Police Reserve shall advise an officer, designated by the Commissioner, of his name and address within three months after he has become such a member, and of any change of his address within fourteen days of such change.

(3) The Minister or any commissioned officer acting under his authority may, from time to time, by notice in writing, sent by post or delivered, order any member of the Police Reserve, other than a member who has attained the age of sixty-five years, to report for training or service to the officer in charge of such police station as may be specified in such notice, and at such time and for such period as may be so specified: Provided that the Minister or any such commissioned officer may exempt any such member from any obligation imposed upon him

POLISIEWYSIGINGSWET, 1975.

Wet No. 15, 1975

WET

Tot wysiging van die Polisiwet, 1958, ten einde voorsiening te maak vir die opneming in die Polisereserwe van sekere oudlede van die Suid-Afrikaanse Polisie en dienspligtiges ingevolge die Verdedigingswet, 1957; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Maart 1975.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 34A van die Polisiwet, 1958, word hierby deur die volgende artikel vervang:

„Polisie-
reserwe.

34A. (1) Daar word hierby 'n Polisereserwe ingestel bestaande uit—

- (a) elke persoon wat in 'n permanente hoedanigheid vir 'n tydperk van minstens ses maande in die Mag gedien het en, voor of na die inwerking-treding van die Wysigingswet op Polisie, 1972 (Wet No. 94 van 1972), maar voor die inwerking-treding van die Polisiwysigingswet, 1975, sy diens beëindig het, uit die Mag ontslaan of afgedank is of met pensioen afgedank is;
- (b) elke persoon wat in 'n permanente hoedanigheid vir 'n tydperk van minstens twaalf maande in die Mag gedien het en na die inwerking-treding van die Polisiwysigingswet, 1975, sy diens beëindig, uit die Mag ontslaan of afgedank word of met pensioen afgedank word; en
- (c) elke persoon wat ingevolge die bepalings van die Verdedigingswet, 1957 (Wet No. 44 van 1957), vir opleiding en diens aan die Mag toegewys word en ook so 'n persoon wat die in subartikels (10) en (11) of (10) en (12) bedoelde diens voltooi het.

(2) Elke lid van die Polisereserwe moet 'n beampte, wat deur die Kommissaris aangewys word, binne drie maande nadat hy so 'n lid geword het, van sy naam en adres in kennis stel, en van enige verandering van sy adres binne veertien dae na so 'n verandering.

(3) Die Minister of 'n offisier wat op sy gesag handel, kan van tyd tot tyd, by skriftelike kennis-gewing, deur die pos bestel of oorhandig, 'n lid van die Polisereserwe, behalwe 'n lid wat die ouderdom van vyf-en-sestig jaar bereik het, beveel om hom vir opleiding of diens aan te meld by die beampte in bevel van 'n polisiestasie wat in die kennisgewing vermeld word en op die tyd en vir die tydperk wat aldus vermeld word: Met dien verstande dat die Minister of so 'n offisier so 'n lid kan vrystel van 'n verpligting wat hom ingevolge hierdie artikel opgelê

Vervanging van
artikel 34A van
Wet 7 van 1958,
soos ingevoeg deur
artikel 21 van
Wet 64 van 1964
en vervang deur
artikel 6 van
Wet 94 van 1972.

Act No. 15, 1975

POLICE AMENDMENT ACT, 1975.

in terms of this section or may, notwithstanding the provisions of section 17, discharge or dismiss any such member from the Force.

(4) No member of the Police Reserve referred to in subsection (1) (a) or (b) shall be compelled to serve in the Force in a rank inferior to the rank in which he served in the Force at the termination of his permanent service.

(5) The period referred to in subsection (3) shall, subject to the provisions of subsections (11) and (12), not exceed thirty days per year.

(6) The provisions of subsection (3) shall not apply to a member of the Police Reserve referred to in subsection (1) (a) or (b) after the expiration of a period of five years as from the date on which he terminated his service in a permanent capacity in the Force or the date on which he was discharged or dismissed from the Force or was retired on pension from such service, or to a member of the Police Reserve referred to in subsection (1) (c) after the expiration of the periods or period determined by subsection (11) or (12).

(7) If the Minister is of the opinion that any action or threat of action by any person or body of persons is of such a nature and extent that the public safety, the maintenance of public order, or life or property, is seriously endangered, he may, notwithstanding the provisions of subsections (5), (6), (11) and (12) but subject to the provisions of subsection (3), order any member of the Police Reserve to serve in the Force for a period which he thinks fit.

(8) The provisions of subsection (7) of this section shall be in addition to and not in substitution for the provisions of section 7.

(9) No provision of this Act shall be so construed as to exempt any person who at the termination of his permanent service in the Force has served as such for a period of less than six months, or twelve months, as the case may be, or any member of the Police Reserve who in terms of this section is exempted from service in the Force or discharged or dismissed from the Force, from the provisions of the Defence Act, 1957.

(10) Any person referred to in subsection (1) (c) shall be liable to render such continuous service in the Force as the Minister or any commissioned officer acting under his authority may, within the limits laid down in this section, determine.

(11) Subject to the provisions of subsections (7) and (12), the continuous service which any person shall be liable to render in the Force in terms of subsection (10), shall be completed in not more than five periods and shall not exceed—

(a) twelve months during the first period of service; and

(b) thirty days during every later period of service.

(12) (a) Any person who is liable in terms of subsection (10) to serve in the Force, may, with the approval of the Minister or any commissioned officer acting under his authority and, in the case of a minor, with the consent of his parent or guardian, engage so to serve for a single period of twenty-four months.

POLISIEWYSIGINGSWET, 1975.

Wet No. 15, 1975

is of, ondanks die bepalings van artikel 17, so 'n lid uit die Polisiereserwe kan ontslaan of afdank.

(4) Geen in subartikel (1) (a) of (b) bedoelde lid van die Polisiereserwe word verplig om in 'n laer rang in die Mag diens te doen nie as die rang waarin hy by die beëindiging van sy permanente diens in die Mag diens gedoen het.

(5) Die in subartikel (3) bedoelde tydperk oorskry, behoudens die bepalings van subartikels (11) en (12), nie dertig dae per jaar nie.

(6) Die bepalings van subartikel (3) is nie van toepassing nie op 'n in subartikel (1) (a) of (b) bedoelde lid van die Polisiereserwe na verloop van 'n tydperk van vyf jaar vanaf die datum waarop hy sy permanente diens in die Mag beëindig het of die datum waarop hy uit die Mag ontslaan of afgedank is of met pensioen uit bedoelde diens afgedank is, of op 'n in subartikel (1) (c) bedoelde lid van die Polisiereserwe na verloop van die by subartikel (11) of (12) bepaalde tydperke of tydperk.

(7) Indien die Minister van oordeel is dat 'n optrede of dreigement van optrede deur 'n persoon of liggaam van persone van so 'n aard en omvang is dat die openbare veiligheid, die handhawing van die openbare orde, of lewens of eiendom, ernstig bedreig word, kan hy, ondanks die bepalings van subartikels (5), (6), (11) en (12) maar behoudens die bepalings van subartikel (3), 'n lid van die Polisiereserwe beveel om vir 'n tydperk wat hy dienstig ag, in die Mag diens te doen.

(8) Die bepalings van subartikel (7) van hierdie artikel is aanvullend tot en nie ter vervanging van die bepalings van artikel 7 nie.

(9) Geen bepaling van hierdie Wet word so uitgelê nie dat dit 'n persoon wat by die beëindiging van sy permanente diens in die Mag minder as ses maande, of twaalf maande, na gelang van die geval, aldus diens gedoen het of 'n lid van die Polisiereserwe wat ingevolge hierdie artikel van diens in die Mag vrygestel is of uit die Mag ontslaan of afgedank is, vrystel van die bepalings van die Verdedigingswet, 1957.

(10) 'n In subartikel (1) (c) bedoelde persoon is verplig om die ononderbroke diens in die Mag te doen wat die Minister of 'n offisier wat op sy gesag handel, binne die perke in hierdie artikel neergelê, bepaal.

(11) Behoudens die bepalings van subartikels (7) en (12), word die ononderbroke diens wat 'n persoon ingevolge subartikel (10) verplig is om in die Mag te doen, voltooi in hoogstens vyf tydperke en duur dit hoogstens—

(a) twaalf maande gedurende die eerste dienstydperk; en

(b) dertig dae gedurende elke latere dienstydperk.

(12) (a) 'n Persoon wat ingevolge subartikel (10) verplig is om in die Mag te dien, kan hom, met die goedkeuring van die Minister of 'n offisier wat op sy gesag handel en, in die geval van 'n minderjarige, met die toestemming van sy ouer of voog, verbind om aldus te dien vir 'n enkele tydperk van vier-en-twintig maande.

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(b) Any person who has so engaged, shall be liable to render, subject to such conditions as may be prescribed by regulation from time to time, continuous service in the Force for the period for which he has so engaged, but shall after completing such service not be liable to the service determined by subsection (11) (b)."

Short title.

2. This Act shall be called the Police Amendment Act, 1975.

POLISIEWYSIGINGSWET, 1975.

Wet No. 15, 1975

- (b) 'n Persoon wat hom aldus verbind het, is verplig om, onderworpe aan die voorwaardes wat van tyd tot tyd by regulasie voorgeskryf word, ononderbroke diens in die Mag te doen vir die tydperk waarvoor hy hom aldus verbind het, maar is na voltooiing van daardie diens nie tot die by subartikel (11) (b) bepaalde diens verplig nie."

2. Hierdie Wet heet die Polisiewysigingswet, 1975.

Kort titel.

Wet No. 12, 1972

POLISIEWYSIGINGSWET, 1972

(b) 'n Persoon wat hom aldus verbind het, is verplig om, onderworpe aan die voorwaardes wat van tyd tot tyd by regulêre voorgeskreë word, ononderbroke diens in die Mag te doen vir die tydperk waarvoor hy hom aldus verbind het, maar is na voltooiing van daardie diens nie tot die by subartikel (1) (a) bepaalde diens verplig nie."

Kort titel

2. Hierdie Wet heet die Polisiewysigingswet, 1972.